

YW



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,534	12/21/2000	Charles A. Eldering	T721-18	6855

27832 7590 03/21/2005

TECHNOLOGY, PATENTS AND LICENSING, INC./PRIME
 6206 KELLERS CHURCH ROAD
 PIPERSVILLE, PA 18947

EXAMINER

SHELEHEDA, JAMES R

ART UNIT	PAPER NUMBER
----------	--------------

2614

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	Application No. 09/742,534	Applicant(s) ELDERING, CHARLES A.	
	Examiner James Sheleheda	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 42-48 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,9-17,26-34 and 37-41 is/are rejected.
- 7) ☒ Claim(s) 3,5-8,18-25,35,36,49 and 50 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/15/01, 8/2/01, 12/10/02, 8/12/04, 8/19/04</u> | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claimd 49 and 50 are objected to because of the following informalities:

Claims 49 and 50 appear to be incorrectly dependent upon claim 31. Based upon the claim language and limitations present in claim 29, it appears that the correct dependency would be to claim 42. Therefore, in claim 49, line 1, "The apparatus of claim 31" should be changed to --The apparatus of claim 42--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 28-33, 39 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Bar-el (WO 99/26415).

As to claim 28, Bar-el discloses a method of receiving at a subscriber node at least one channel of television programming and advertising from a head end of a television service delivery system (page 7, lines 2-19), said method comprising the steps of:

(1) assigning said subscriber node to an advertising group (wherein subscribers are associated with a closest group profile; page 10, lines 14-20 and page 11, lines 14-19);

(2) based on said assignment (wherein the video sequence is customized and transmitted based upon the assignment; page 11, lines 8-19), enabling said subscriber node to receive and cause to be displayed on a monitoring device (Fig. 1; page 8, lines 4-14) a one of a plurality of presentation channels transmitted by said television service delivery system (wherein each user receives the stream customized to their profile; Fig. 1; page 8, lines 4-14) corresponding to a programming channel (corresponding the to received video sequence; page 11, lines 20-21).

As to claim 29, Bar-el discloses wherein step (2) comprises enabling with respect to one and only one of said plurality of presentation channels corresponding to said programming channel (wherein each user only receives their personalized video sequence; see Figs. 1 and 2; page 11, lines 21-22 and page 8, lines 11-18).

As to claim 30, Bar-el discloses wherein said programming channel comprises television programming and advertising avails (video sequence with advertising insert locations; page 13, lines 10-19 and page 8, lines 4-10) and said plurality of presentation channels corresponding to said programming channel contain identical programming (Fig. 1; page 8, lines 11-14) and different advertising within said advertising avails (page 8, lines 4-14).

As to claim 31, Bar-el discloses wherein step (1) comprises storing at said subscriber node data indicating said one of said plurality of presentation channels transmitted by said television service delivery system corresponding to said programming channel that corresponds to said advertising group (wherein the user computer inherently stores some data indicating what programming is available and how to receive it, thus enabling the user to select a video to be received and customized; page 7, lines 20-23).

As to claim 32, Bar-el discloses wherein step (1) comprises received said data via said television service delivery system (received data across a network delivering the television signals; page 7, lines 13-19).

As to claim 33, Bar-el discloses wherein step (1) comprises received said data in a dedicated channel of said television service delivery system (wherein the customized data is received in a channel dedicated to the particular user; Figs. 1 and 2; page 7, lines 13-24 and page 8, lines 1-10).

As to claim 39, Bar-el discloses wherein said television service delivery system is a switched digital video system (page 7, lines 13-19) that transmits a particular presentation channel to said subscriber responsive to a request received from said subscriber node (page 7, lines 20-23) and wherein step (2) comprises requesting one of

Art Unit: 2614

said presentation channels corresponding to said programming channel based on said assignment in step (1) when a user of said subscriber node chooses to view said programming channel (wherein the user is assigned to a group and provided a particular video in response to the user request; page 7, lines 20-22, page 11, lines 20-21 and page 10, lines 14-20).

As to claim 41, Bar-el discloses wherein there are a plurality of programming channels (video sequences which are to be transmitted to users; page 7, lines 20-22 and page 1, lines 20-23), each having a plurality of corresponding presentation channels (separate identical video sequences based upon the requests for the video; page 7, lines 20-24, page 8, lines 1-14 and page 23, lines 10-15), that said subscriber node could be enabled to receive and display (wherein any subscriber node **could** receive and display any type of customized stream depending on the profile of the current user; page 10, lines 14-20).

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 28, 29, 37 and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Hendricks et al. (Hendricks) (6,463,585).

As to claim 28, Hendricks discloses a method of receiving at a subscriber node at least one channel of television programming and advertising from a head end of a television service delivery system (column 18, lines 20-32), said method comprising the steps of:

(1) assigning said subscriber node to an advertising group (Fig. 32; column 72, lines 23-45);

(2) based on said assignment (wherein the new channel is chosen based upon the assigned group; column 72, lines 23-45), enabling said subscriber node to receive and cause to be displayed on a monitoring device (by switching to an alternate channel; column 72, lines 38-45) a one of a plurality of presentation channels transmitted by said television service delivery system (continuously playing commercial channels; column 72, lines 51-63) corresponding to a programming channel (wherein the commercial channels are offering alternative commercials for the current channel; column 73, lines 2-12).

As to claim 29, Hendricks discloses wherein step (2) comprises enabling with respect to one and only one of said plurality of presentation channels corresponding to said programming channel (wherein the set top can only "off-tune" to one ad channel at any one time; column 73, lines 2-12).

As to claim 37, Hendricks discloses wherein step (1) comprises receiving a map via said television service delivery system mapping said subscriber node to an advertising group (column 72, lines 23-45).

As to claim 38, Hendricks discloses wherein step (1) comprises the steps of:

(1.1) receiving a map mapping a plurality of subscribers to advertising groups (column 72, lines 23-45); and

(1.2) determining from said map to which advertising group said subscriber node belongs (column 72, lines 23-45).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 4 and 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bar-el.

As to claim 1, Bar-el discloses a method of transmitting television programming and advertising from a headend to a plurality of subscriber nodes (page 7, lines 2-19), said method comprising the steps of:

(1) creating a plurality of subscriber groups (wherein subscribers are associated with a closest group profile; page 10, lines 14-20 and page 11, lines 14-19), members of

said subscriber groups being based on at least one characteristic of said subscriber relevant to advertising (page 10, lines 14-20);

(2) receiving at least one channel of television programming (video sequence received at the video controller, 24; page 11, lines 20-21);

(3) forming from said at least one channel of television programming a plurality of presentation channels of television programming identical to said at least one programming channel (outputting separate identical video sequences for each requester; page 7, lines 20-24, page 8, lines 1-14 and page 23, lines 10-15), each presentation channel corresponding to a subscriber group (corresponding to the user making the request and their closest group; page 7, lines 20-24 and page 8, lines 11-15);

(4) storing a plurality of advertisements for insertion into advertising avails in said presentation channels (advertisement image sets to be inserted; page 11, lines 8-19);

(5) storing for each presentation channel a queue comprising an ordered list of advertisements (schedule based upon the personalization data for a particular video sequence; page 14, lines 14-21);

(6) determining advertising avails in each of said presentation channels (determining when, where and how to insert the advertisements into the video; page 14, lines 14-21 and page 13, lines 10-19);

(7) for each presentation channel, determining from said queue corresponding to said presentation channel an advertisement to be inserted in each avail in said

presentation channel (inserting ads according to the predetermined schedule; page 14, lines 14-24 and page 15, lines 1-5);

(8) inserting said advertisement determined in step (7) into said corresponding avail (page 14, lines 14-24 and page 15, lines 1-5); and

(9) transmitting said plurality of presentation channels to subscriber systems (Fig. 1; page 8, lines 11-14).

While Bar-el discloses a queue comprising an ordered list of advertisements to be inserted (schedule based upon the personalization data for a particular video sequence; page 14, lines 14-21), he fails to specifically disclose wherein said list comprises (ARLs) comprising a pointer to a location of a corresponding advertisement.

The examiner takes Official Notice that it was notoriously well known in the art to utilize pointers which indicate the location of corresponding data, instead of manipulating the data itself, for the typical benefits of reducing memory and processor requirements by only manipulating location pointers instead of the data in it's entirety.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el's system to include wherein said list comprises (ARLs) comprising a pointer to a location of a corresponding advertisement for the typical benefits of reducing memory and processor requirements by only manipulating location pointers instead of the data in it's entirety.

As to claim 2, Bar-el discloses wherein each subscriber group comprises a set of subscribers that is mutually exclusive of each other subscriber group (wherein each subscriber is set to the group profile which is closest to their own; page 10, lines 14-20).

As to claim 4, Bar-el discloses assigning each subscriber to a subscriber group (page 10, lines 14-20).

As to claim 10, Bar-el discloses wherein said advertisements are stored in digital form (digital images to be inserted into a digital video stream; page 11, lines 8-13 and 11-19).

As to claim 11, while Bar-el discloses wherein said advertisements are stored in digital form, he fails to specifically disclose wherein said advertisements are in MPEG form.

The examiner takes Official Notice that it was notoriously well known in the art to utilize the MPEG standard format when processing and storing digital video images for the typical benefits provided by compression, such as reducing storage and bandwidth needs, and the further benefit provided by conforming to a well known recognized standard.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el's system to include wherein said advertisements are in MPEG form for the typical benefits provided by compression, such as reducing

storage and bandwidth needs, and the further benefit provided by conforming to a well known recognized standard.

As to claim 12, Bar-el discloses wherein said at least one programming channel and said presentation channels are in digital format (video streams across the Internet; page 11, lines 20-21 and page 8, lines 15-18 and page 7, lines 13-20).

As to claim 13, Bar-el discloses an apparatus for transmitting television programming and advertising from a headend of a communications system to a plurality of subscriber systems, comprising:

a receiver for receiving a plurality of channels of television programming (inherently present to receive the video sequences which are to be transmitted to users; page 7, lines 20-22 and page 1, lines 20-23);

a splitter (video controller, 24), coupled to receive one of said channels of television programming and split said channel into a plurality of presentation channels (receiving a video and then outputting 2 identical streams to individual users; see Fig. 2 and page 11, lines 20-23 and page 12, lines 3-15);

a first memory (object storage unit, 22) storing a plurality of advertisements for insertion into advertising avails in said presentation channels (advertisement image sets to be inserted; page 11, lines 8-19);

a second memory (scheduler, 42) storing, for each presentation channel, a queue comprising an ordered list of advertisements (storing a previously prepared insertion schedule; page 14, lines 14-21);

a circuit for determining advertising avails in each of said presentation channels (determining when, where and how to insert the advertisements into the video; page 14, lines 14-21 and page 13, lines 10-19);

an advertisement management circuit (scheduler, 42) coupled to said second memory and adapted to consult said queues to determine which advertisements are to be inserted in which avails in said presentation channels (inserting ads according to the predetermined schedule; page 14, lines 14-24 and page 15, lines 1-5);

an advertisement insertion circuit (mixer, 44) coupled to said presentation channels and adapted to insert said advertisement into said avails in accordance with the schedules as dictated by said queues (page 14, lines 11-24, page 15, lines 1-5, page 15, lines 22-24 and page 16, lines 1-16); and

a transmitter adapted to transmit said plurality of presentation channels to said subscriber systems (Fig. 1; page 8, lines 11-14).

While Bar-el discloses a queue comprising an ordered list of advertisements to be inserted (schedule based upon the personalization data for a particular video sequence; page 14, lines 14-21) and the use of a splitter, he fails to specifically disclose wherein said list comprises (ARLs) comprising a pointer to a location of a corresponding advertisement and a plurality of splitters.

The examiner takes Official Notice that it was notoriously well known in the art to utilize pointers which indicate the location of corresponding data, instead of manipulating the data itself, for the typical benefits of reducing memory and processor requirements by only manipulating location pointers instead of the data in it's entirety.

Additionally, the examiner takes Official Notice that it was notoriously well known in the art to utilize a plurality of splitters when creating multiple copies of a video stream for the typical benefit of ensuring that plural streams can be processed and split at the same time.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el's system to include wherein said list comprises (ARLs) comprising a pointer to a location of a corresponding advertisement for the typical benefits of reducing memory and processor requirements by only manipulating location pointers instead of the data in it's entirety.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el's system to include a plurality of splitters for the typical benefit of ensuring that plural streams can be processed and split at the same time.

As to claim 14, Bar-el discloses wherein said advertisement insertion circuit and said advertisement management circuit comprise digital circuits (wherein the circuits are digital circuits handling digital video sequences; page 14, lines 8-24, page 15, lines 1-5, page 15, lines 22-24 and page 16, lines 1-16).

As to claim 15, while Bar-el discloses wherein said advertisement insertion circuit and said advertisement manage circuit comprise digital circuits, he fails to specifically disclose wherein the circuits comprise digital processors.

The examiner takes Official Notice that it was notoriously well known in the art to utilize digital processors to handle a plurality of tasks, as opposed to a dedicated digital circuit, for the typical benefit of reducing the space requirements in of a system by utilizing a digital processor to handle the tasks of a dedicated circuit.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el's system to include digital processors for the typical benefit of reducing the space requirements in of a system by utilizing a digital processor to handle the tasks of a dedicated circuit.

As to claim 16, Bar-el discloses wherein each presentation channel is assigned to one of a plurality of subscriber groups (assigned to the user making the request based upon their particular group; page 7, lines 20-24 and page 8, lines 11-15), members of said subscriber groups being based on at least one characteristic of said subscriber relevant to advertising (page 10, lines 14-20).

As to claim 17, Bar-el discloses wherein each subscriber group comprises a set of subscribers that is mutually exclusive of each other subscriber group (wherein each subscriber is set to the group profile which is closest to their own; page 10, lines 14-20).

8. Claims 9, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bar-el as applied to claims 1 and 13 above, and further in view of Safadi (6,487,721).

As to claims 9 and 26, while Bar-el discloses wherein said programming channel includes avails, he fails to specifically disclose wherein said programming channel includes indicators that identify the start of an avail and detecting said indicators.

In an analogous art, Safadi discloses a video server (Fig. 2) which detects indicators (cue commands) that identify the start of an ad avail (commercial insertion point; column 9, lines 13-25) in a program channel (column 4, lines 30-55 and column 9, lines 13-25) and wherein advertisements are then inserted into the detected avail (column 9, lines 13-25) for the typical benefit of allowing advertisements to be inserted into specific locations designated by a content provider (column 1, lines 26-42).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el's system to include the wherein said programming channel includes indicators that identify the start of an avail and detecting said indicators, as taught by Safadi, for the typical benefit of allowing content providers to specifically indicate where advertisements are to be inserted.

As to claim 27, while Bar-el discloses wherein said advertisement insertion circuit comprises a mixer, he fails to specifically disclose wherein said advertisement insertion circuit comprises a video switch.

In an analogous art, Safadi discloses a video server (Fig. 2) which detects indicators (cue commands) that identify the start of an ad avail (commercial insertion point; column 9, lines 13-25) in a program channel (column 4, lines 30-55 and column 9, lines 13-25) and wherein advertisements are then inserted into the detected avail (column 9, lines 13-25) by a video switch (splicer, 450) by splicing between a commercial and the programming stream for the typical benefit of allowing traditional advertisements to replace specific locations of the program stream designated by a content provider (column 1, lines 26-42).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el's system to include the wherein said advertisement insertion circuit comprises a video switch, as taught by Safadi, for the typical benefit of allowing the insertion of traditional advertisements which replace part of the program stream.

9. Claims 34 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bar-el as applied to claims 31 and 39 above, and further in view of Adams (6,378,130).

As to claim 34, while Bar-el discloses wherein the subscriber nodes receive a presentation channel, he fails to specifically disclose

receiving a presentation map disclosing for each presentation channel how said subscriber node can select said channel for reception and display on a monitor; and

creating an individual channel map for said subscriber node for said subscriber node indicating which presentation channel to select for enablement.

In an analogous art, Adams discloses a video distribution system (Fig. 1) wherein upon a user request for a media asset (column 9, lines 66-67 and column 10, lines 1-8) the server will create a channel map indicating to the user the frequency and PID their requested program will be transmitted under (column 10, lines 40-50 and lines 60-67) which is then received by the subscriber to allow proper reception of the media asset (column 11, lines 8-20) for the typical benefit of ensuring a broadcast video user can successfully tune to and receive their requested media asset (column 11, lines 8-19).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el's system to include receiving a presentation map disclosing for each presentation channel how said subscriber node can select said channel for reception and display on a monitor; and

creating an individual channel map for said subscriber node for said subscriber node indicating which presentation channel to select for enablement, as taught by Adams, for the typical benefit of ensuring a broadcast video user can successfully tune to and receive their requested media asset.

As to claim 40, while Bar-el discloses creating said presentation channel corresponding to said advertising group, he fails to specifically disclose

storing data indicating an VPI/VCI of said presentation channel and requesting said VPI/VCI when a user of said subscriber node chooses to view said programming channel.

In an analogous art, Adams discloses a video distribution system (Fig. 1) wherein upon a user request for a media asset (column 9, lines 66-67 and column 10, lines 1-8) the server will create and store data indicating the **frequency and PID** a media asset will be transmitted under (column 10, lines 40-50 and lines 60-67) upon request from a subscriber for the particular media asset (column 9, lines 66-67, column 10, lines 1-8 and column 11, lines 8-20) for the typical benefit of ensuring an **MPEG** broadcast video user can successfully tune to and receive their requested media asset (column 11, lines 8-19).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el's system to include storing data indicating a **transmission frequency** of said presentation channel and requesting said **transmission frequency** when a user of said subscriber node chooses to view said programming channel, as taught by Adams, for the typical benefit of ensuring a broadcast video user can successfully tune to and receive their requested media asset.

While Bar-el and Adams disclose storing data indicating a **transmission frequency** of said presentation channel and requesting said **transmission frequency** when a user of said subscriber node chooses to view said programming channel, they fail to specifically disclose VPI/VCI.

The examiner takes Official Notice that it was notoriously well known in the art to transmit VPI/VCI information across a network, as determined by the ATM standard, to indicate how to properly transmit and receive a program for the typical benefit of enabling the network to be compatible with the established ATM standard.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el's system to include VPI/VCI for the typical benefit of establishing compatibility with the widely known ATM standard.

Allowable Subject Matter

10. Claims 3, 5-8, 18-25, 35 and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 42-50 are allowable because the prior art fails to teach or disclose an apparatus for receiving at a subscriber node a plurality of channels of television programming and advertising from a head end of a television service delivery system, said channels comprising a plurality of presentation channels, **wherein each of a plurality of presentation channels corresponding to one of said programming channels comprises the same programming content, but different advertising content**, said apparatus comprising:

a memory at said subscriber node;

an individual **advertising group map** stored in said memory indicating for each of said programming channels, a one of said corresponding presentation channels;

a circuit for enabling said subscriber node to select a presentation channel **dictated by said individual advertising group map**; and

a circuit for causing said selected presentation channel to be displayed on a monitoring device.

A background search found similar prior art, however, not completely as claimed.

For example, Bar-el (WO 99/26415) discloses a method of transmitting a plurality of presentation channels with identical programming and different advertisements. Bar-el fails, however, to disclose the use of an advertising group map, wherein subscribers receive all of the presentation channels or wherein all members of the group receive the presentation channel.

Hendricks et al. (6,463,585) discloses utilizing an advertising group map to determine which subscribers should “off-tune” to a feeder channel of different advertisements. Hendricks fails, however, to specifically disclose wherein each presentation channel contains identical programming and different advertisements.

Srnivasan et al. (6,357,042) discloses selecting advertisements for a single broadcast channel through a mapping of the current viewers of that channel. Srnivasan

Art Unit: 2614

fails, however, to specifically disclose wherein each presentation channel contains identical programming and different advertisements.

Conclusion

11. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703)_____ - _____ on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (571) 272-7357. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Sheleheda
Patent Examiner
Art Unit 2614

JS


JOHN MILLER
SUPERVISORY PATENT EXAMINER
ELECTRONIC BUSINESS CENTER 2600